

## Cunningham, Deborah L@DOT

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**From:** Betsy Merritt <emerritt@savingplaces.org>  
**Sent:** Friday, August 14, 2015 5:03 PM  
**To:** Affordable Sales Program@DOT  
**Subject:** National Trust comments on proposed regulations for Affordable Sales Program  
**Attachments:** National Trust comments on Caltrans Proposed Regs for Affordable Sales Program Aug 14 2015.pdf

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**National Trust for  
Historic Preservation**  
*Save the past. Enrich the future.*

August 14, 2015

via email: [Affordable\\_Sales\\_Program@dot.ca.gov](mailto:Affordable_Sales_Program@dot.ca.gov)

Kimberly Erickson  
ATTN: Affordable Sales Program  
California Department of Transportation  
1120 N Street, MS 37  
Sacramento, CA 95814

Re: Comments on Proposed Regulations for Affordable Sales Program

Dear Ms. Erickson:

The National Trust for Historic Preservation appreciates the opportunity to comment on the regulations proposed by the California Department of Transportation (Caltrans) to implement an Affordable Sales Program to dispose of 460 properties owned by Caltrans in Pasadena, South Pasadena, and Los Angeles. These properties were acquired by Caltrans decades ago with the original intention of destroying them for the construction of the proposed surface freeway through the Route 710 corridor. But they are no longer needed by Caltrans, since the surface freeway project was enjoined by the federal court because it violated federal law, *City of South Pasadena v. Slater*, 56 F. Supp. 2d 1106 (C.D. Cal. 1999), and the Federal Highway Administration (FHWA) then withdrew its approval of the project.

The sale of these properties provides an important opportunity to bring renewed stability and vitality to the residential neighborhoods within the 710 corridor, after decades of uncertainty. In addition, these conveyances are expected to substantially increase the investment in maintenance of the properties. Approximately 25 percent of the properties being considered for conveyance are acknowledged to be historic. For these properties in particular, the opportunity for new owners to rehabilitate and maintain their historic character is an enormous benefit to the public interest.

The National Trust has previously submitted comments to Caltrans, dated September 2, 2014 and November 10, 2014, regarding the Affordable Sales Program and the Initial Study for the Caltrans Surplus Property Sale. In addition to reviewing the proposed regulations, we have also reviewed the Draft Environmental Impact Report (EIR) for the SR-710 Surplus Property Sales, dated July 2015, and we plan to submit separate comments on the Draft EIR on or before the applicable comment deadline of August 24, 2015.

With regard to the proposed regulations, we are concerned that the revised draft does not appear to be responsive to many of the comments submitted by the local governments in the corridor such as the Cities of South Pasadena and Pasadena.

- **We strongly oppose giving private housing developers, including for-profit developers, priority over public housing agencies.**

One of the comments repeatedly made, including by the Cities of Pasadena and South Pasadena, as well as the National Trust, has been that "housing-related *private* entities," including for-profit developers, should not be given priority over "housing-related *public* entities," such as local government housing agencies. Instead, the public housing agencies should be given priority as between these two groups. Caltrans has failed to offer any rationale for refusing to modify this provision.

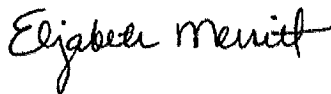
In general, current and former tenants in good standing should have priority over housing related entities, but we strongly support the comments that public agencies should get priority over private entities.

- **The regulations fail to address the use of historic preservation covenants.**

We are also very concerned that the regulations fail to address the role of historic preservation covenants. Approximately 25 percent of the properties to be offered for sale are historic, and thus, according to the Draft EIR, will be subject to historic preservation covenants or other measures to protect the historic character and features of the property. DEIR at 5-29. However, the Draft EIR also states that, "if no buyer has been identified for a historic property due to the presence of a protective covenant associated with the property, Caltrans will remove the covenant in order to successfully sell the property." DEIR at 5-30. The removal of preservation covenants could increase the sales price of the properties, and thus could have implications for the Affordable Sales Program as a whole. The decision whether or not to remove a historic preservation covenant could have significant impacts, and yet the regulations fail to set forth any procedures or criteria for making those decisions. Nor do the regulations provide adequate notice that a significant number of the properties would be sold subject to preservation covenants. This omission needs to be corrected before the disposition of the properties commences.

Thank you for considering the comments of the National Trust for Historic Preservation.

Sincerely,



Elizabeth S. Merritt  
Deputy General Counsel

cc: Margaret Lin, City of South Pasadena  
Linda Dishman and Adrian Fine, Los Angeles Conservancy

Sue Mossman and Jesse Lattig, Pasadena Heritage  
Christina Morris, National Trust for Historic Preservation, Los Angeles Field Office